



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

August 31, 2009

David McDonnell
Overton Moore Properties
19300 Hamilton Avenue, Suite 200
Gardena, CA 90248

AMENDMENT TO CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION (CERTIFICATION) ISSUED ON JULY 20, 2007 FOR PARCEL MAP 34572, CITY OF MORENO VALLEY, ON JULY 20, 2007

Dear Mr. McDonnell:

On July 30, 2008, we received an application for Certification for Parcel Map 34572 ("PM 34572"), submitted on your behalf by LSA Associates, Inc. ("LSA"). As you are aware, on July 20, 2007, a Certification was issued for PM 34572 for construction of a mixed-use, retail/office/warehouse condominium project. Your current request for Certification is for a single 520,000-square foot industrial building. All of the waters of the State on the site will be filled, as was proposed for the project certified on July 20, 2007. In addition, LSA staff requested that Condition 4 of the July 20, 2007 Certification be amended.

While the physical layout of the storm drain system and structural treatment controls have changed, the principle of operation remains the same. The stored treatment volume will now be contained within underground vaults beneath the southern parking areas and pumped to a rectangular sand filter near the intersection of Cactus Avenue and Frederick Street. On-site runoff discharges will continue to flow through and be treated by hydro-dynamic separators.

Condition 4 of the July 20, 2007 Certification requires that the in-lieu fee be paid by September 20, 2007. This fee has not been paid and you are in violation of Condition 4. LSA staff has requested that Condition 4 be amended to a later deadline. LSA staff reports that due to adverse economic conditions, discharges of fill have not yet occurred at the project site and the property is unlikely to be developed immediately.

Pursuant to the California Environmental Quality Act ("CEQA"), the City of Moreno Valley has adopted a Mitigated Negative Declaration for the amended project on April 9, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of a project as shown in the associated negative declaration prior to reaching a decision on the project. The

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Regional Board has considered the City's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required for, or incorporated into the project. These alterations avoid or mitigate impacts to water quality to a less than significant level.

Based upon a review of your previous and proposed projects and subsequent discussions with LSA staff, Regional Board staff believes that an amendment to the July 20, 2007 Certification is appropriate to address the proposed change in site layout and related modification of the structural storm water treatment controls, and to amend the deadline in Condition 4. Therefore, the July 20, 2007 Certification is amended accordingly to incorporate the proposed project changes described above.

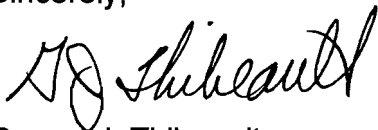
Furthermore, Condition 4 is hereby deleted and replaced with the following:

4. Overton Moore Properties shall pay an in-lieu fee to the Riverside-Corona Resource Conservation District or the Riverside County Regional Park and Open Space towards the eradication of 0.5 acres of invasive plant species in waters of the State. The fee payment shall include a minimum of 5-years of follow-on maintenance. Evidence of the payment shall be provided to the Executive Officer by August 19, 2011 or prior to the start of grading activities at the project site, whichever occurs first.

All other Conditions of the July 20, 2007 Certification remain in effect.

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



Gerard J. Thibeault
Executive Officer

Cc (via e-mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game, Ontario Office – Mike Flores
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF:401/certifications/PM 34572 (centerpointe) 332008-22

